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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,394	07/03/2003	John Melideo	J008-P07648US	5950
33356 7590 03/06/2008 SoCal IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362				
EXAMINER BAUTISTA, XIOMARA L.				
ART UNIT 2179		PAPER NUMBER		
MAIL DATE 03/06/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,394

Applicant(s)

MELIDEO, JOHN

Examiner

X. L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11-17, 22-28 and 33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 11-17, 22-28 and 33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 1-10/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 23-28 and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

These claims do not truly fit any of the four statutory classes of invention, "process, machine, manufacture, or composition matter." The claims recite software, having some potential use to a computer capable of reading and interpreting them, in a manner analogous to the information content of printed matter, long held to be non-statutory..

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6, 11-17, 22-28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al (US 6,275,490 B1) and Maes et al (US 7,092,496 B1).**

Claims 1 and 23:

Mattaway discloses a method of *displaying telephone numbers on a client computer; scanning a data unit for telephone numbers; automatically identifying a telephone number within*

a data unit; conspicuously displaying the identified telephone number; and packaging an object defined by the telephone number, the telephone number being activatable. Mattaway discloses a website for visually presenting information on a webpage; pages that may contain address information in the form of HTML tag, which may include an IP address, email address of automatic call distribution server associated with the website (col. 9, lines 46-60). Mattaway teaches a webphone client for accessing a webpage; the webpage containing address information such as a telephone number, wherein the address information can be selected by the user with a pointing device (col. 9, lines 63-67; col. 10, lines 1-7); establishing a communication link upon selection by the user of the address information with a destination specified by the address information (col. 10, lines 10-19, 45-67; col. 11, lines 1-4).

Mattaway discloses a system and method for initiating communications from a web browser to a destination on a network (abstract). Mattaway discloses an *object defining function for sending a data trigger to a switch over a data network to initiate a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to an identified telephone number; wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer.* Mattaway teaches establishing a communication link with a website and other destination defined by address information, such as email address, a hyperlink, or a telephone number (col. 3, lines 47-63; col. 4, lines 5-15). Mattaway explains that a webphone client may serve as a calling party and/or a callee party (person being called). The calling party transmits an online request packet

to a server; the callee party also using a webphone client transmits a similar online request packet; the calling party originates a call by locating the callee party, which may be identified by email address or keyword search criteria. The server transmits to the calling party the information packet containing the IP address of the callee party and then a direct point-to-point communication link with the callee party is initiated (col. 7, lines 42-67; col. 8, lines 1-4). Mattaway teaches a client computer and at least two telephones that are separate and distinct from each other (figs. 2A and 2B).

Mattaway teaches displaying an icon (conspicuously displaying) representing an HTML tag on a webpage; the user is enabled to click on the icon to establish a realtime communication (col. 11, lines 17-24). Mattaway does not specifically teach causing the identified telephone number to have a display attribute. However, **Maes** discloses a method for processing information signals based on content (abstract). Maes teaches a system and method for recognizing and highlighting telephone numbers in a text document (col. 3, lines 52-67; col. 11, lines 42-61). Maes explains that the telephone number can be selected by the user using an input device for activating an action (col. 12, lines 19-41, 49-67; col. 13, lines 1-2). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Mattaway's method of displaying address information to include Maes' teaching of highlighting content such as telephone numbers because it enables easy and fast identification by the user of selectable objects for initiating a call, a service or an action.

Claim 2:

Mattaway teaches that the address information is displayed as a consequence of an

instruction to display the data unit (col. 3, lines 48-63; col. 7, lines 54-65).

Claims 3, 14 and 25:

Mattaway teaches a call file that may record data as web pages are visited and that the address information may be copied into the call file (col. 11, lines 40-55).

Claims 4, 15 and 26:

See claim 1. Mattaway teaches a data unit (address information) having text (webpage content; email address) intermixed with non-displayable data (data for establishing a communication link).

Claims 5, 16 and 27:

See claim 1. Mattaway teaches a user selectable icon for activation instruction of establishing a communication link using identified telephone numbers (col. 3, lines 47-63; col. 11, lines 17-24).

Claims 6, 17 and 28:

See claim 1. Maes teaches address information having a display attribute (col. 3, lines 52-67; col. 11, lines 42-61).

Claims 11, 22 and 33:

See claim 1. Mattaway teaches an online request packet containing (embedded information) configuration and settings information, a unique email address and an assigned IP address for the webphone client. The online request packet is transmitted to a connection/information server, wherein the server uses the information contained in the packet for initiating a communication link (col. 7, lines 42-67).

Claim 12:

See claim 1. Mattaway teaches a computer system having a user input device, a display device, a processor and memory (figs. 2A and 2B; col. 5, lines 8-38).

Claims 13 and 24:

See claim 1. Mattaway teaches a computer system having hardware and software for scanning data units and implementing the invention (col. 8, lines 12-21; col. 11, lines 57-67; col. 12, lines 1-19).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Truitt et al (US 7,080,049 B2) discloses a system and method for associating a telephone account associated with a subscriber line and enabling a user to transact with a vendor for goods and/or services (abstract); and automatically identifying telephone numbers (col. 5, lines 1-6, 30-67; col. 6, lines 21-66; col. 19, lines 11-22, 30-67; col. 20, lines 1-45).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X. L. Bautista/
Primary Examiner, Art Unit 2179

xlb
February 26, 2007